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PERKINS COIE LLP PATENT-SEA P.O. BOX 1247 SEATTLE, WA 98111-1247				
EXAMINER				
WILLETT, STEPHAN F				
ART UNIT		PAPER NUMBER		
2141		19		
DATE MAILED: 11/28/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/498,016

Applicant(s)

Balassanian

Examiner

Stephan Willett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep 25, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 143-185 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 143-185 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 143, 151, 156, 163, 174, 179-185 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazaridis et al. with Patent Number 6,463,464 in view of Wiley et al. with Patent Number 5,687,320.
3. Regarding claim(s) 143, 151, 156, 163, 174, 179, 183, Lazaridis teaches data transfer and discovery. Lazaridis teaches source and destination appliances, col. 5, lines 45-48. Lazaridis teaches source data types for a destinations appliance, col. 7, lines 1-8, col. 8, lines 26-28, as “where the redirector software is operating at the server”, col. 9, lines 27-30, and “message C could either be a command from a user’s mobile data communication device”, col. 10, lines 5-16. Lazaridis teaches pushing data to a destination appliance from a 3rd device, col. 6, lines 63-66. Lazaridis teaches a data header with address and data type code to be sent to a destination, col. 7, lines 64-67. Lazaridis teaches sending the data to a destination that converts the data to a usable form, col. 8, lines 47-49. Lazaridis teaches the invention in the above claim(s) except for explicitly teaching legacy device presence notification. In that Lazaridis operates to transfer data in a computer network, the artisan would have looked to the network communication arts for

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details of implementing data transfer based on data type. In that art, Wiley, a related network communication system, teaches “allowing a network resource to be discovered on a network”, col. 1, lines 6-7 in order to provide diverse communication capabilities. Wiley specifically teaches “network nodes can announce themselves to all servers on a network”, col. 1, lines 47-48. Further, Wiley suggests “network administration functions include ... information regarding the existence of other devices”, col. 1, lines 16-18 which will result from implementing his communication system. The motivation to incorporate device notification insures all device can communicate. Thus, it would have been obvious to one of ordinary skill in the art to incorporate device notification as taught in Wiley into the communication system described in Lazaridis because Lazaridis operates with new mobile devices and Wiley suggests that optimization can be obtained by using well known device notification methods. Therefore, by the above rational, the above claims are rejected.

4. Regarding claim(s) 180-181, 184-185, Lazaridis teaches source and destination resources identified, col. 7, lines 7-9. Lazaridis teaches a remote device requesting data to be sent to a destination appliance from a source device, col. 10, lines 5-8. Thus, the above claim limitations are obvious in view of the combination.

5. Regarding claim(s) 182, Lazaridis teaches a table of destination resources identified, col. 10, lines 52-53. Thus, the above claim limitations are obvious in view of the combination.

6. Claims 144-150, 152-155, 157-162, 164-173, 175-178 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazaridis et al. with Patent Number 6,463,464 and Wiley et al. with Patent Number 5,687,320 in view of Chang et al. with Patent Number

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5,974,449.

7. Regarding claim(s) 144-146, 157-159, 165-167, Lazaridis-Wiley teaches data transfer and discovery. Lazaridis-Wiley teaches the invention in the above claim(s) except for explicitly teaching mapping and tables. In that Lazaridis-Wiley operates to transfer data in a computer network, the artisan would have looked to the network communication arts for details of implementing data transfer based on lookup tables. In that art, Chang, a related network communication system, teaches an "invention provides Messaging between disparate Messaging interfaces that may employ different Messaging formats", col. 3, lines 66-67 in order to provide diverse communication capabilities. Change teaches mapping and tables, col. 6, lines 66-1. Further, Chang suggests that "the unique user name and mailbox ID assigned to a subscriber", col. 6, lines 4-5 and the "system provides notification to an intended recipient using the delivery notification, and presents the processed message having a content format of a second type to the intended recipient", col. 4, lines 21-24 will result from implementing his communication system. The motivation to incorporate device tables insures that a recipient is informed of the devices for easier processing and conversion. Thus, it would have been obvious to one of ordinary skill in the art to incorporate the tables as taught in Chang into the communication system described in Lazaridis-Wiley because Lazaridis-Wiley operates with numerous devices and Chang suggests that optimization can be obtained by using tables. Therefore, by the above rational, the above claims are rejected.

8. Regarding claims 147, 152, 160, 168, Change teaches destination content types, col. 3-4, lines 34-36. Thus, the above claim limitations are obvious in view of the combination.

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9. Regarding claims 148, 153, 161, 169, 175, Chang teaches an ID for the recipient resource, col. 7, lines 34-39. Thus, the above claim limitations are obvious in view of the combination.

10. Regarding claims 149, 155, 162, 164, 170, 173, 176, Chang teaches converting data before sending the data, col. 7, lines 41-47. Thus, the above claim limitations are obvious in view of the combination.

11. Regarding claims 150, 154, 171, 177, Chang teaches using multiplexing with data conversion, col. 11, lines 24-25. Thus, the above claim limitations are obvious in view of the combination.

12. Regarding claims 172, 178, Chang teaches conversion at an intermediate interface, col. 5, lines 33-35. Thus, the above claim limitations are obvious in view of the combination.

Response to Amendment

13. The broad claim language used is interpreted on its face and based on this interpretation the claims have been rejected.

14. The limited structure claimed, without more functional language, reads on the references provided. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

15. Applicant suggests the references do not teach "Lazaridis neither teaches or suggests that a remote device requests a source appliance to sent its[?] content", Paper No. 18, Page 11, lines 25-26. However, Lazaridis teaches a remote device as a mobile device that sends a command, col. 7, lines 1-8; col. 8, lines 26-28, and "where the redirector software is operating at the server", col. 9, lines 27-30, and "message C could either be a command from a user's mobile data

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communication device”, col. 10, lines 5-16. The limited reading suggested is not reasonable based on the additional teachings in Lazaridis. The references should not be read in a vacuum, the teachings are not mutually exclusive, and must be taken in context of what was reasonable based on the subject matter as a whole as would have been understood at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. The significance of the breadth of the claims’ language needs to be appreciated. The clear description in the reference is not obfuscated by the numerous other suggested usages of said description in the reference. Thus, Applicant’s arguments can not be held as persuasive regarding patentability.

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Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

17. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (703) 308-5230. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

20. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9605.


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sfw

November 17, 2003



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER